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# The Right to Build the City Can Community Benefits Agreements Bring Employment Equity to the Construction Sector?

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## ARTICLE

# The Right to Build the City: Can Community Benefits Agreements Bring Employment Equity to the Construction Sector?

**James Nugent**

OVER THE PAST DECADE, collective bargaining in Ontario – and Canada as a whole – has come under increasing pressures from “back-to-work” legislation, neoliberal austerity (e.g., the Ontario government’s “net zero compensation” bargaining), and looming threats of “right-to-work” legislation from right-wing parties. Meanwhile, union density within the private sector continues to decline. As a way for organized labour to renew its political influence on the state and grow union membership, municipal labour councils have (re)turned to political bargaining and “community unionism,” a strategy involving labour-community coalition building, political organizing within low-income and racialized communities, and support of precarious workers.<sup>1</sup>

The form and strategic objectives of labour-community coalitions in Canada and the United States have changed over the past three decades in response to ongoing neoliberal restructuring.<sup>2</sup> Labour-community coalitions

1. Amanda Tattersall, “Coalitions and Community Unionism: Using the Term Community to Explore Effective Union-Community Collaboration,” *Journal of Organizational Change Management* 21, 4 (2008): 415–432; John Cartwright, “Speaking Notes for CAW-CEP – A Moment of Truth Workshop,” Toronto and York Regional Labour Council, 25 February 2012, [http://www.unifor.org/sites/default/files/documents/document/john\\_cartwright\\_feb\\_25\\_english.pdf](http://www.unifor.org/sites/default/files/documents/document/john_cartwright_feb_25_english.pdf).

2. Amanda Tattersall, *Power in Coalition: Strategies for Strong Unions and Social Change* (Ithaca: Cornell University Press, 2013); Stephanie Ross & Larry Savage, eds., *Rethinking the Politics of Labour in Canada* (Halifax: Fernwood, 2012); David Reynolds, ed., *Partnering for Change: Unions and Community Groups Build Coalitions for Economic Justice* (Armonk, New York: M. E. Sharpe, 2004); Carola Frege & John Kelly, eds., *Varieties of Unionism: Strategies*

have progressed beyond early examples of “instrumental cooperation” aimed at fighting plant closures,<sup>3</sup> strikes, or lockouts,<sup>4</sup> toward building campaigns outside of particular workplaces, such as challenging free trade agreements,<sup>5</sup> raising the minimum wage,<sup>6</sup> building electoral power,<sup>7</sup> and advancing policies to create “green jobs” and a “just transition” to a sustainable economy.<sup>8</sup>

Coalition building has become an increasingly important strategy for labour and community groups aiming to assert control over the conditions of urban development, if not its purpose.<sup>9</sup> Urban redevelopments and public transit infrastructure projects are examples of what David Harvey refers to as the “spatial fix” – i.e., how capital, working through alliances with the state, temporarily resolves crises of overaccumulation by restructuring the

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for *Union Revitalization in a Globalizing Economy* (Oxford: Oxford University Press, 2004); Lowell Turner, Richard Hurd & Harry Katz, eds., *Rekindling the Movement: Labor's Quest for Relevance in the Twenty-First Century* (Ithaca: ILR Press, 2001); Jeremy Brecher & Tim Costello, *Building Bridges: The Emerging Grassroots Coalition of Labor and Community* (New York: Monthly Review Press, 1990).

3. Pamela Haines & Gary Klein, “Citizens and Unions Respond,” in *Community and Capital in Conflict: Plant Closings and Job Loss*, ed. John C. Raines, Lenora E. Berson & David McL. Gracie (Philadelphia: Temple University Press, 1982); Staughton Lynd, *The Fight against Shutdowns: Youngstown's Steel Mill Closings* (San Pedro, California: Singlejack Books, 1983).

4. Brecher & Costello, *Building Bridges*; Thomas Estabrook, *Labor-Environmental Coalitions: Lessons from a Louisiana Petrochemical Region* (Amityville, New York: Baywood, 2007).

5. Kenneth A. Gould, Tammy L. Lewis & J. Timmons Roberts, “Blue-Green Coalitions: Constraints and Possibilities in the Post 9-11 Political Environment,” *Journal of World-System Research* 10, 1 (2004): 90–116.

6. Stephanie Luce, “The U.S. Living Wage Movement: Building Coalitions from the Local Level in a Global Economy,” in *Labor in the New Urban Battlegrounds: Local Solidarity in a Global Economy*, ed. Lowell Turner & Daniel B. Cornfield (Ithaca: Cornell University Press, 2007), 21–34; John Cartwright, “The Rise of Toronto's Living Wage Campaign,” *Relay: A Socialist Project Review*, no. 20 (November/December 2007): 32–34, <http://www.socialistproject.ca/relay/relay20.pdf>.

7. Reynolds, ed., *Partnering for Change*; Marco Hauptmeier & Lowell Turner, “Political Insiders and Social Activists: Coalition Building in New York and Los Angeles,” in Turner & Cornfield, eds., *Labor in the New Urban Battlegrounds*, 129–145; Nari Rhee & Julie Sadler, “Building an Inclusive City: Labor-Community Coalitions and the Struggle for Urban Power in San Jose,” in Turner & Cornfield, eds., *Labor in the New Urban Battlegrounds*, 178–191.

8. Brian Obach, *Labour and the Environmental Movement: The Quest for Common Ground* (Cambridge, Massachusetts: MIT Press, 2004); Joseph Glen Moore, “Two Struggles into One? Labour and Environmental Movement Relations and the Challenge to Capitalist Forestry in British Columbia, 1900–2000,” PhD diss., McMaster University, 2002, <http://hdl.handle.net/11375/6194>; James Nugent, “Changing the Climate: Labour-Environmental Alliance-Forming in a Neoliberal Era,” MA thesis, University of Toronto, 2009, <http://hdl.handle.net/1807/18939>.

9. Turner & Cornfield, eds., *Labor in the New Urban Battlegrounds*; Ian MacDonald, ed., *Unions and the City: Negotiating Urban Change* (Ithaca: Cornell University Press, 2017).

built urban environment to absorb surplus capital.<sup>10</sup> Critical human geographers have developed the concept of “labour’s spatial fix” to highlight the agency of workers in shaping the economic geography of capitalism.<sup>11</sup> Labour scholars have documented the direct role taken by labour-community coalitions in local and regional economic development initiatives,<sup>12</sup> as well as in urban planning decisions.<sup>13</sup> The concepts of spatial fix and labour’s spatial fix both emphasize the *economic* concerns of capital, labour, and the state, in the coproduction of urban space. The study of labour-community coalitions emphasizes the agency of both labour *and other* social movement groups in the production of urban space, drawing attention to their struggles over both economic and “extra-economic”<sup>14</sup> dimensions of urban development, social reproduction, and everyday city life – e.g., demands for dignity, democratic participation, equity, access, distribution, and sustainability.

Activists and academics have articulated and pressed for these demands in terms of both radical and reformist conceptualizations of “the right to the city.”<sup>15</sup> Harvey interprets the right to the city as a radical collective demand for democratic control over the production and utilization of surplus value concentrated in cities under capitalism.<sup>16</sup> Henri Lefebvre’s original radical formulation of the right to the city emphasizes the right of all inhabitants

10. David Harvey, “Globalization and the ‘Spatial Fix,’” *Geographische Revue* 2 (2001): 23–30.

11. Andrew Herod, “From a Geography of Labor to a Labor Geography: Labor’s Spatial Fix and the Geography of Capitalism,” *Antipode* 29, 1 (1997): 1–31, doi:10.1111/1467-8330.00033; Andrew Herod, Al Rainnie & Susan McGrath-Champ, “Working Space: Why Incorporating the Geographical Is Central to Theorizing Work and Employment Practices,” *Work, Employment and Society* 21, 2 (2007): 247–264, doi:10.1177/0950017007076633.

12. James Nugent, “Struggling for Good Green Jobs in Toronto’s Deindustrializing Suburbs,” in MacDonald, ed., *Unions and the City*, 189–218; Charles J. Whalen, “Social Unionism in Western New York: The Case of the Economic Development Group,” *Labor Studies Journal* 35, 4 (2010): 540–565, doi:10.1177/0160449X10379645; Ron Applegate, “Organizing for Equitable Economic Development: The Significance of Community Empowerment Organizations for Unions,” in Turner & Cornfield, eds., *Labor in the New Urban Battlegrounds*, 53–72; Ian Greer, Barbara Byrd & Lou Jean Fleron, “Two Paths to the High Road: The Dynamics of Coalition Building in Seattle and Buffalo,” in Turner and Cornfield, eds., *Labor in the New Urban Battlegrounds*, 111–128.

13. Ian Thomas MacDonald, “Bargaining for Rights in Luxury City: The Strategic Dilemmas of Organized Labor’s Urban Turn,” *Labor Studies Journal* 36, 2 (2011): 197–220, doi:10.1177/0160449X11404075; Laura Wolf-Powers, “Community Benefits Agreements and Local Government: A Review of Recent Evidence,” *Journal of the American Planning Association* 76, 2 (2010): 141–159, doi:10.1080/01944360903490923.

14. Bob Jessop, “On the Limits of *The Limits to Capital*,” *Antipode* 36, 3 (2004): 480–496, doi:10.1111/j.1467-8330.2004.00427.x; Jim Glassman, “Primitive Accumulation, Accumulation by Dispossession, Accumulation by ‘Extra-Economic’ Means,” *Progress in Human Geography* 30, 5 (2006): 608–625, doi:10.1177/0309132506070172.

15. This paragraph draws on comments from an anonymous reviewer.

16. David Harvey, “The Right to the City,” *New Left Review* 2, 53 (2008): 23–40.

(regardless of citizenship) to use and occupy urban spaces and the right to collectively own and manage urban space so that it is produced for the needs of inhabitants rather than as exchange value for capital.<sup>17</sup> Lefebvre challenges the structures of capitalism as well as state bureaucratic power, arguing that inhabitants should have control not only over decisions traditionally made by the state, but over any decisions having to do with the production of urban space.<sup>18</sup> Lefebvre saw the right to the city not as an expansion of liberal-democratic human rights to be enforced through a so-called social contract with the state, but rather as a revolutionary process through which inhabitants come to reappropriate and embody the role of the state (i.e., as *autogestion* or self-management), leading to its withering away.<sup>19</sup>

In practice, right-to-the-city movements have primarily been oriented toward reforming and compromising with the state rather than abolishing it. Social-democratic and liberal-progressivist frameworks of the right to the city are aimed at expanding the range of actors and priorities governing urban planning and development, albeit in ways that do not fundamentally challenge capitalist social relations (e.g., private property rights) or the state's role in facilitating capital accumulation. Reform-oriented right-to-the-city movements primarily operate through existing liberal-democratic structures of citizenship and political participation (e.g., elections, political parties, the law, and stable state institutions) and pressure the state for such things as funding to build affordable housing and laws to constrain landlords and gentrification; increased access to public spaces (e.g., urban gardening, community spaces, bike lanes); affirmative action policies, particularly within the state; and inclusive planning and policymaking (e.g., gender mainstreaming).<sup>20</sup> The struggle for community benefits agreements (CBAs), which this article addresses, extends these demands to include the right of historically marginalized and equity-seeking groups to access jobs building, operating, and maintaining urban development and public infrastructure – i.e., the right to physically build and work the city. I argue that outside of a much deeper participatory movement that radically redefines the purpose of urban development, the right to build the city – as it is codified in CBAs – risks producing a negotiated form of neoliberalism and gentrification that trades off gains for some marginalized groups only at the expense of others.<sup>21</sup>

17. Mark Purcell, "Excavating Lefebvre: The Right to the City and Its Urban Politics of the Inhabitant," *GeoJournal* 58, 2/3 (2002): 99–108, doi:10.1023/B:GEJO.0000010829.62237.8f.

18. Purcell, "Excavating Lefebvre."

19. Mark Purcell, "Possible Worlds: Henri Lefebvre and the Right to the City," *Journal of Urban Affairs* 36, 1 (2014): 141–154, doi:10.1111/juaf.12034.

20. Purcell, "Possible Worlds."

21. MacDonald, "Bargaining for Rights in Luxury City."

Community benefits agreements have become widely used by labour-community coalitions in the United States over the past fifteen years, as a strategy for regulating “urban revitalization” projects in low-income and racialized neighbourhoods. CBAs are formal contracts negotiated between a developer or public agency and community groups that are usually working together in a coalition with unions. Typically, the coalition offers political support for a project in return for a range of potential benefits, such as guarantees of training, jobs, and affordable housing protections for local and/or marginalized residents; union recognition; living wages and health benefits; environmental measures and other public amenities; and social procurement (e.g., contracts for social enterprises and minority- or women-owned businesses).

Community benefits agreements are part of a suite of emerging strategies used by labour-community coalitions to increase employment equity within the construction sector that includes impact benefit agreements (IBAs); community workforce agreements within project labour agreements (PLAs); and city-wide ordinances governing public works projects, as well as targeted hiring policies by individual public agencies.<sup>22</sup> In Canada, IBAs negotiated between northern Aboriginal communities and mining companies or hydro-electric agencies have become standard practice, but there are only a few examples where employment equity has been incorporated into PLAs or CBAs for urban development projects.<sup>23</sup>

In many countries, municipalities negotiate “planning gain agreements” in which private developers are granted permission to build in exchange for financial payments to residents, improvements to community facilities, affordable housing units, and/or the transfer of ownership of facilities or land to the community.<sup>24</sup> In Canada, municipalities grant developers permission to exceed building height and density bylaws in exchange for cash contributions

22. Lucero E. Herrera, Saba Waheed, Tia Koonse & Clarine Ovando-Lacroux, *Exploring Targeted Hire: An Assessment of Best Practices in the Construction Industry* (Los Angeles: UCLA Labor Center, March 2014), <http://ccacla-laborcenter.electricmembers.net/wp-content/uploads/downloads/2014/04/Exploring-Targeted-Hire.pdf>; Maria Figueroa, Jeff Grabelsky & J. Ryan Lamare, “Community Workforce Agreements: A Tool to Grow the Union Market and to Expand Access to Lifetime Careers in the Unionized Building Trades,” *Labor Studies Journal* 38, 1 (2013): 7–31, doi:10.1177/0160449X13490408.

23. Karen Peachey, “Building on Success: An Evaluation of the Community Benefits Agreement for the Vancouver Olympic Village Site,” Building Opportunities with Business Inner City Society, Vancouver, 22 June 2009; Laurie Monsebraaten, “Whither Welfare: City Plays Matchmaker for Jobs and Job Seekers,” *Toronto Star*, 8 April 2012, [https://www.thestar.com/news/gta/2012/04/08/whither\\_welfare\\_city\\_plays\\_matchmaker\\_for\\_jobs\\_and\\_job\\_seekers.html](https://www.thestar.com/news/gta/2012/04/08/whither_welfare_city_plays_matchmaker_for_jobs_and_job_seekers.html); City of Toronto, “Mayor Miller Officially Opens Youth Hub at 1652 Keele St.,” media release, 30 April 2010, <http://wx.toronto.ca/inter/it/newsrel.nsf/05707e8b923fe35685256dde005a4472/c714f8168c11cfc18525771500759ed3>.

24. Linda Fox-Rogers & Enda Murphy, “From Brown Envelopes to Community Benefits: The Co-Option of Planning Gain Agreements under Deepening Neoliberalism,” *Geoforum* 67 (2015): 41–50, doi:10.1016/j.geoforum.2015.09.015.

and amenities to communities living near the development; however, these density-for-benefits agreements do not include provisions around employment.<sup>25</sup> The City of Toronto has undertaken a few pilot projects to link the hiring of marginalized residents to the construction of public buildings.<sup>26</sup> These early collaborations led the Toronto Community Housing Corporation to adopt a goal in 2015 that 10 per cent of its workforce for completing capital projects were to be public housing residents – 94 per cent of whom live below the poverty line.

Besides some scholarship on IBAS and PLAS,<sup>27</sup> there is surprisingly little about CBAS in the labour studies literature. The legal and political implications of CBAS have been debated primarily within legal studies, urban planning, and critical human geography. I outline these debates below, and I argue that they suffer from a lack of empirical data, particularly regarding implementation outcomes of CBAS, and CBAS tied to public sector projects. And although scholars have identified the critical role played by unions in negotiating CBAS,<sup>28</sup>

25. In Toronto, density-for-benefits agreements – referred to as “Section 37 Agreements” – have commonly been negotiated between high-rise developers and the City of Toronto since 1990. Aaron A. Moore, “Decentralized Decision-Making and Urban Planning: A Case Study of Density for Benefit Agreements in Toronto and Vancouver,” *Canadian Public Administration* 59, 3 (2016): 425–447, doi:10.1111/capa.12179; Peter Pantalone, “Density Bonusing and Development in Toronto,” Master of Environmental Studies major paper, York University, 2014, <http://yorkspace.library.yorku.ca/xmlui/handle/10315/30269>.

26. Since 2005, the Carpenters’ Union Local 27 has collaborated with Toronto Community Housing to bring youth residents of public housing into a twelve-week pre-apprenticeship program called CHOICE. The billion-dollar public-private redevelopment of the Regent Park public housing project set a goal for the developer, and commercial tenants, to hire 10 per cent of their workforce from “residents.” Since 2007, this initiative has reportedly led to 600 jobs for local residents, with most jobs being in retail. Similarly, in 2010, the City of Toronto collaborated with the Carpenters’ Union Local 27 to build a youth centre in a so-called Priority Neighbourhood, creating apprenticeship opportunities for unemployed youth living in the area. Toronto Community Housing Corporation, *Getting It Done: Real Change at Toronto Community Housing*, 10 September 2015, <http://www.torontohousing.ca/residents/your-tenancy/Documents/Getting%20it%20Done%20report.pdf>; City of Toronto, “Mayor Miller.”

27. Suzanne E Mills, “Beyond the Blue and Green: The Need to Consider Aboriginal Peoples’ Relationships to Resource Development in Labor-Environment Campaigns,” *Labor Studies Journal* 36, 1 (2011): 104–121; Suzanne Mills & Brendan Sweeney, “Employment Relations in the Neostaples Resource Economy: Impact Benefit Agreements and Aboriginal Governance in Canada’s Nickel Mining Industry,” *Studies in Political Economy* 91, 1 (2013): 7–34; Figueroa, Grabelsky & Lamare, “Community Workforce Agreements”; John Calvert & Blair Redlin, “Achieving Public Policy Objectives through Collective Agreements: The Project Agreement Model for Public Construction in British Columbia’s Transportation Sector,” *Just Labour* 2 (2003): 1–13; Majorie Griffin Cohen & Kate Braid, “The Road to Equity: Training Women and First Nations on the Vancouver Island Highway – A Model for Large-Scale Construction Projects,” Canadian Centre for Policy Alternatives – BC Office, Vancouver, August 2000, [http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC\\_Office\\_Pubs/road\\_equity.pdf](http://www.policyalternatives.ca/sites/default/files/uploads/publications/BC_Office_Pubs/road_equity.pdf).

28. Wolf-Powers, “Community Benefits Agreements.”

there has been little analysis that explains how this role is shaped by political struggles between unions and the state (particularly at scales beyond municipal government), as well as struggles within the labour movement.

I argue that CBAs for public works projects can be an effective strategy for labour and community groups to negotiate greater participation in urban planning, more equitable distribution of the positive and negative economic and environmental impacts of urban development, and support for union renewal. But even these goals, which are part of a reformist rather than revolutionary right to the city agenda, cannot be realized if CBAs are understood simply as bureaucratic or technocratic exercises, achievable through an “insider strategy” of lobbying and backroom negotiations. The Toronto case study discussed below shows how the insider strategy of the Toronto Community Benefits Network managed to win discursive support for CBAs from provincial policymakers, but could only push the government to implement a weak employment equity program based primarily on a workforce development model.

I argue that more arduous organizing deep within unions and marginalized neighbourhoods is necessary to win a comprehensive and legally binding CBA that institutes a stronger employment equity program – one that includes changes to hiring practices and workplace cultures. This type of deep organizing would also be necessary for scaling up CBA organizing beyond a project-by-project basis toward winning meaningful city-wide or province-wide policies. I explain how the strategic efforts of the Network to win a CBA were facilitated or constrained by political vulnerabilities of the minority provincial government and an embattled Metrolinx (the provincial transit authority); the changing labour control regime of construction workers in Toronto and Ontario; and the effectiveness of the Network at mobilizing resources to sustain its activities. I argue that without a deep and radically oriented organizing strategy, even the reformist goals of CBAs may be unattainable, and CBAs risk being used by governments and developers simply to give an appearance of democratic engagement without conceding any power, or worse, being used as political cover for deepening neoliberal governance. I conclude the article by evaluating the extent to which labour-community coalition building around CBAs could be reoriented as part of an emergent, radically oriented right-to-the-city movement.

## **Literature on CBAs**

IN THE NASCENT LITERATURE ON CBAs, their merits are debated among academics and practitioners. For their promoters, CBAs are a form of participatory planning or deliberative democracy and a pragmatic effort by marginalized communities to offset the uneven impacts of urban downtown “revitalization”

projects.<sup>29</sup> In the late 1990s and early 2000s, municipal and regional governments tried to attract global capital investment and to slow urban sprawl through a mix of “smart growth” planning policies, tax incentives, and the construction of public infrastructure and cultural buildings (e.g., sports stadiums, opera houses, museums). In the United States, CBAs emerged as a strategy for protecting low-income, disproportionately racialized, inner city residents from gentrification-led displacement and to more equitably distribute the economic benefits associated with urban redevelopment.

Community benefits agreements have been criticized on the grounds of both their real existing practice and their theoretical underpinnings. Legal scholars and practitioners, who have contributed the most to the literature on CBAs, have criticized them for lacking sufficient monitoring and enforcement mechanisms and for being vulnerable to legal challenges on the basis of proportionality exaction laws (or, within the Canadian context, appeals to provincial municipal boards).<sup>30</sup> The democratic accountability of CBAs and their ability to meet the needs of affected communities have come under scrutiny following a series of projects in New York City in which neighbourhood organizations were either excluded from CBA negotiations or handpicked by developers.<sup>31</sup> Procedural concerns have also been raised given the greater negotiation expertise, resources, and political influence of developers and unions relative to community groups during the negotiation of CBAs.<sup>32</sup>

Urban planning scholars have criticized the very premise of CBAs, arguing that exacting benefits or zoning changes for the particularist interests of neighbourhoods on an ad hoc basis circumvents the fundamental goals of

29. Murtaza Baxamusa, “Empowering Communities through Deliberation: The Model of Community Benefits Agreements,” *Journal of Planning Education and Research* 27, 3 (2008): 261–276, doi:10.1177/0739456X07308448; Patricia E. Salkin & Amy Lavine, “Negotiating for Social Justice and the Promise of Community Benefits Agreements: Case Studies of Current and Developing Agreements,” *Journal of Affordable Housing & Community Development Law* 17, 1/2 (2007/2008): 113–144, <http://www.jstor.org/stable/25782806>; Julian Gross, Greg LeRoy & Madeline Janis-Aparicio, *Community Benefits Agreements: Making Development Projects Accountable* (US: Good Jobs First / California Partnership for Working Families, 2005), <http://www.goodjobsfirst.org/sites/default/files/docs/pdf/cba2005final.pdf>.

30. Vicki Been, “Community Benefits Agreements: A New Local Government Tool or Another Variation on the Exactions Theme?,” *University of Chicago Law Review* 77, 1 (2010): 5–35, doi:10.2307/40663024.

31. Salkin & Lavine, “Negotiating for Social Justice”; Julian Gross, “Community Benefits Agreements: Definitions, Values, and Legal Enforceability,” *Journal of Affordable Housing & Community Development Law* 17, 1/2 (2007/2008): 35–58, <http://www.jstor.org/stable/25782803>.

32. Steven Seigel, “Community Benefits Agreements in a Union City: How the Structure of CBAs May Result in Inefficient, Unfair Land Use Decisions,” Student Legal History Papers, no. 28, Yale Law School Legal Scholarship Repository, 2013, [http://digitalcommons.law.yale.edu/student\\_legal\\_history\\_papers/28](http://digitalcommons.law.yale.edu/student_legal_history_papers/28).

comprehensive city planning.<sup>33</sup> They argue that CBAs privilege the gentrification of neighbourhoods, rather than distributing benefits of development across the city to all marginalized residents, including those living in areas of disinvestment where CBAs are not possible.<sup>34</sup> According to this critique, CBAs risk supporting “NIMBYism in reverse (benefits ‘only in my backyard’).”<sup>35</sup> Similarly, labour geographers have critiqued the “militant particularism”<sup>36</sup> of unions involved in the negotiation of CBAs, arguing that unions often relinquish struggles over the purpose of development and implications that projects have for the working class as a whole, for the sake of securing minor or immediate benefits for a particular group of unionized workers. Ian MacDonald’s study of CBA negotiations surrounding the redevelopment of New York’s Coney Island demonstrates how the logic of real estate-led urban accumulation results in a “negotiated gentrification,” in which unions trade off working-class interests around affordable housing in exchange for other working-class interests, regarding employment, wages, and union representation.<sup>37</sup> Similarly, Steven Tufts critiques a CBA linked to a proposed (but eventually cancelled) entertainment and gambling complex in Toronto, arguing that unionized hotel workers stood to benefit from an employer neutrality clause in the proposed CBA, but their support for rezoning the site facilitated the city’s deindustrialization.<sup>38</sup>

Critical urban geographers argue that planning gain agreements, including CBAs, allow developers to effectively purchase highly profitable zoning changes and secure state subsidies while giving relatively little to communities in return.<sup>39</sup> Linda Fox-Rogers and Enda Murphy conclude that these agreements “not only reflect the dynamics of neoliberalism, they support the core neoliberal objective of redistributing wealth and power upwards.”<sup>40</sup> Decades of neoliberal downloading of responsibilities by provincial and federal governments for the delivery of infrastructure, affordable housing, and social welfare, coupled with austerity, has created a permanent budget crisis for

33. Wolf-Powers, “Community Benefits Agreements.”

34. Virginia Parks & Dorian Warren, “The Politics and Practice of Economic Justice: Community Benefits Agreements as Tactic of the New Accountable Development Movement,” *Journal of Community Practice* 17, 1/2 (2009): 88–106, doi:10.1080/10705420902856225.

35. Parks & Warren, “Politics and Practice,” 102.

36. David Harvey, “Militant Particularism and Global Ambition: The Conceptual Politics of Place, Space, and Environment in the Work of Raymond Williams,” in *Spaces of Capital: Towards a Critical Geography* (Edinburgh: Edinburgh University Press, 2001), 158–187.

37. MacDonald, “Bargaining for Rights in Luxury City.”

38. Steven Tufts, “Labour and (Post)Industrial Policy in Toronto,” *Relay: A Socialist Project Review*, no. 23 (July–September 2008): 30–33, [http://www.socialistproject.ca/relay/relay23\\_tufts.pdf](http://www.socialistproject.ca/relay/relay23_tufts.pdf).

39. Fox-Rogers & Murphy, “Brown Envelopes.”

40. Fox-Rogers & Murphy, “Brown Envelopes,” 44.

municipal governments and a backlog of capital projects.<sup>41</sup> Municipal governments have responded by becoming more “entrepreneurial,” with the role of city planning departments shifting from regulating private developments to finding innovative ways of courting them.<sup>42</sup> Planning gain agreements are often packaged together with tax incentives and zoning amendments as a way for municipal governments to secure private funds for projects traditionally financed through the Keynesian welfare state.<sup>43</sup> Tufts has warned of CBAs becoming “co-opted community unionism” that lets the provincial and national state “off the hook” from their former role in local economic development processes and the provision of things like affordable housing and community spaces, while promoting neoliberal competition between cities based on the level of tax subsidies given to private developers.<sup>44</sup>

My case study of the Toronto Community Benefits Network refines criticisms levelled against CBAs within the literature. First, most of the CBAs discussed in the literature are for private sector developments, while the CBA proposed by the Network is for a public transit infrastructure project. Rather than letting the provincial state “off the hook,” the Network made direct – albeit limited – demands on the government of Ontario and the provincial transit authority (Metrolinx). Second, the Network’s proposed CBA attempts to respond to the critique that CBAs benefit some marginalized neighbourhoods more than others, or pit particularist concerns against city-wide planning objectives. The employment equity hiring policies and programs proposed by the Network targeted equity-seeking and historically disadvantaged residents living *anywhere* in the city, not only in marginalized communities adjacent to where new transit lines will be built. Third, CBAs for public sector developments might legitimize neoliberal competition and “redistribute wealth and power upwards,” but not in the same way as private sector CBAs. Whereas private developers leverage CBAs politically to win specific zoning changes and capture tax subsidies for a particular company operating in a particular neighbourhood, CBAs associated with public infrastructure projects risk becoming complicit in the neoliberal restructuring of cities in a more generalized way, given the critical role that public infrastructure plays in facilitating spatio-temporal fixes and the ability of ruling political parties to directly use CBA negotiations to consolidate power.

The limitations of CBAs linked to public infrastructure projects identified in my case study align with the critiques raised by urban and labour geographers.

41. Carlo Fanelli, “The City of Toronto Fiscal Crisis: Neoliberal Urbanism and the Reconsolidation of Class Power,” *Interdisciplinary Themes Journal* 1, 1 (2009): 11–18.

42. Tim Hall & Phil Hubbard, “The Entrepreneurial City: New Urban Politics, New Urban Geographies?,” *Progress in Human Geography* 20, 2 (1996): 153–174, doi:10.1177/030913259602000201.

43. Fox-Rogers & Murphy, “Brown Envelopes.”

44. Tufts, “Labour and (Post)Industrial Policy,” 33.

Any potential gains that the CBA proposed by the Toronto Community Benefits Network makes in terms of employment equity are likely to be overshadowed by (1) the gentrification of neighbourhoods situated along the new transit line, which will displace low-income and predominantly racialized renters and (2) the negative effects associated with the government's public-private partnership procurement model for the project. I argue that the Ontario government has used its negotiations with the Network for a CBA as a "good news story" to make itself appear friendly to trade unions and equity-seeking groups. This has provided the government with useful political cover for its neoliberal restructuring of the construction sector that weakens the position of unions and for the gentrification of poor, racialized neighbourhoods. My case study accounts for the outcomes of CBA negotiations and program implementation, and explains why the Network failed to resist the Ontario government's transit policy as a form of gentrification and privatization. My argument focuses on the political context and labour-relations regimes of Toronto and Ontario, as well as the Network's organizing capacity and strategic decisions.

My case study contributes to debates in the CBA literature by offering much-needed empirical observations. Most evaluations of CBAs are based on the stated (i.e., aspirational) *goals* of negotiated agreements, rather than on actual *outcomes* of CBAs during implementation. Three separate reviews of the grey literature identified only a handful of CBAs or similar PLAs for which quantitative results of employment equity (or affirmative action) programs are available.<sup>45</sup> Collecting data on implementation outcomes is frustrated by the weak monitoring provisions of many CBAs, or by the absence of a dedicated coordinator to oversee the work of tracking and reporting results.

My case study is based on over three years of participatory action-based fieldwork, between 2011 and 2015. As a volunteer, I helped establish the Network and participated in dozens of Network general membership meetings and steering committee meetings, as well as seven negotiation meetings with Metrolinx over the course of a year. I reviewed all documents produced by the Network (e.g., flyers, reports, press releases, website materials, training materials), some of which I helped produce.

My unique position as an "activist-scholar"<sup>46</sup> improved the quantity and range of data I collected for the case study. This type of "research as praxis"<sup>47</sup>

45. These three reviews cover CBAs and PLAs negotiated in the United States and Canada between 1998 and 2013. Figueroa, Grabelsky & Lamare, "Community Workforce Agreements"; James Nugent, "Study of Lessons Learned and Best Practices of Community Benefits Agreements. Report #1: Initial Scan and Assessment of the Literature" (unpublished report prepared for United Way Toronto, June 2015); Herrera et al., *Exploring Targeted Hire*.

46. Matti Siemiatycki, "The Role of the Planning Scholar: Research, Conflict, and Social Change," *Journal of Planning Education and Research* 32, 2 (2012): 147–159, doi:10.1177/0739456X12440729.

47. Patti Lather, "Research as Praxis," *Harvard Educational Review* 56, 3 (1986): 257–278, doi:10.17763/haer.56.3.bj2h231877069482.

challenges the ontological opposition between objectivity and subjectivity.<sup>48</sup> My involvement in the Network offered a privileged “insider” vantage point, which was useful for identifying the roles and importance of various actors as part of the coalition building and negotiation processes; knowing the strategic thinking of the Network; and weighing the importance of factors that shaped its decision making, including the Network’s organizational structures and culture, as well as the internal politics of member organizations and the Network itself. The study’s credibility was strengthened by establishing long-term and trusting relationships with participants.<sup>49</sup> My prolonged period of fieldwork enabled the tracking of changes within the coalition and CBA negotiation process in relation to changing political opportunities structures, primarily within Ontario and Toronto. To further increase the trustworthiness of my analysis, my ethnographic insights were triangulated against the academic literature as well as insights from news media, relevant grey literature, and twelve semi-structured interviews I conducted with key members of the Network.

### The Toronto Community Benefits Network

IN 2006, THE ONTARIO GOVERNMENT formed an arms-length regional transportation authority, called Metrolinx, to coordinate a 25-year, \$50 billion transportation plan called The Big Move, with the goal of building 1,200 kilometres of rapid transit across the greater Toronto and Hamilton region. One of the first projects funded through this plan is the \$6.6 billion Eglinton Crosstown Light Rail Transit (LRT) line, which, when completed in 2021, will run nineteen kilometres east–west across Toronto’s midtown. The Crosstown LRT project can be understood as part of a spatial fix aimed at improving the circulation of capital, increasing midtown land values, and creating profitable investments for the construction sector, but it also encompasses a broader “socio-ecological fix” aimed at reducing congestion and air pollution.<sup>50</sup> The provincial government promoted its investment in transit by promising the Crosstown project would create 46,000 jobs.<sup>51</sup>

48. Hilary Bradbury & Peter Reason, *The SAGE Handbook of Action Research: Participative Inquiry and Practice* (Thousand Oaks, California: SAGE, 2014).

49. Laurence Cox, “Scholarship and Activism: A Social Movements Perspective,” *Studies in Social Justice* 9, 1 (2015): 34–53.

50. James Patrick Nugent, “Ontario’s Infrastructure Boom: A Socioecological Fix for Air Pollution, Congestion, Jobs, and Profits,” *Environment and Planning A* 47, 12 (2015): 2465–2484, doi:10.1068/a140176p.

51. CNW [Canada Newswire], “Metrolinx Purchases Tunnel Boring Machines for Eglinton Crosstown Light Rail Transit Project,” Eglinton Crosstown, 28 July 2010, <http://thecrosstown.ca/news-media/whats-new/metrolinx-purchases-tunnel-boring-machines-for-eglinton-crosstown-light-rail>.

In 2013, a city-wide coalition of grassroots community groups, social agencies, and trade unions formed the Toronto Community Benefits Network (the Network), scaling up earlier efforts by a neighbourhood-based coalition called the Mount Dennis Weston Network.<sup>52</sup> Led by the Toronto and York Region Labour Council, the Network's goal was to win a CBA to more equitably distribute the jobs and economic benefits associated with the Crosstown LRT project. The importance of distributing the benefits of the project equitably was heightened in the context of Toronto's deepening socio-spatial polarization and because the Crosstown LRT, together with three other planned LRT lines, would run through nine of Toronto's so-called Priority Neighbourhoods – low-income, racialized, underserved inner suburbs.<sup>53</sup>

Over the course of 23 meetings and workshops, the Network developed a CBA proposal with four key objectives. First, the Network wanted to increase access to apprenticeships in the building and construction trades for “historically disadvantaged and equity-seeking groups.” Only 3 per cent of skilled construction tradespersons in Canada are women.<sup>54</sup> In Ontario, only 8 per cent of apprentices completing their apprenticeship program in the skilled trades identify as a “visible minority,” despite racialized workers making up 23 per cent of the labour force.<sup>55</sup> The Network's goal was to have 100 per cent of all new apprentices working on the Crosstown LRT project hired through existing union-run, pre-apprenticeship programs that support youth from equity-seeking and historically disadvantaged groups. One of these pre-apprenticeship programs was called Hammer Heads (run by the Central Ontario Building and Construction Trades Council [COBT]) and the other was called CHOICE (run by the Carpenters' Union Local 27).<sup>56</sup> These programs had intakes of 45

52. Nugent, “Struggling for Good Green Jobs.”

53. John David Hulchanski, *The Three Cities within Toronto: Income Polarization among Toronto's Neighbourhoods, 1970–2005* (Toronto: Cities Centre, University of Toronto, 2010), <http://www.urbancentre.utoronto.ca/pdfs/curp/tnrn/Three-Cities-Within-Toronto-2010-Final.pdf>; Katharine N. Rankin & Heather McLean, “Governing the Commercial Streets of the City: New Terrains of Disinvestment and Gentrification in Toronto's Inner Suburbs,” *Antipode* 47, 1 (2015): 216–239, doi:10.1111/anti.12096.

54. Statistics Canada, “Labour Force Survey Estimates Table 2820010 by National Occupational Classification for Statistics (NOC-s) and Sex,” 2015, accessed 18 July 2017, <http://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3701>.

55. Marinka Ménard, Cindy K. Y. Chan & Merv Walker, “National Apprenticeship Survey: Ontario Overview Report 2007,” Statistics Canada – Catalogue No. 81-598-X (Ottawa: Minister of Industry, September 2008).

56. Those targeted by these programs are primarily racialized youth, ages 18 to 26, living in low-income neighbourhoods and referred by Toronto Employment and Social Services. Of the 154 apprentices that had gone through Hammer Heads by 2014, 46 were previously on social assistance; 10 were Aboriginal youth (including 2 residents of Aboriginal shelters); 6 were youth registered with the Children's Aid Society; 10 were residents of shelters; and 73 were residents of Toronto Community Housing. Central Ontario Building Trades, “Creating Career Opportunities and Apprenticeships for Youth: Hammer Heads – It's Working,” 14 May 2014,

students per year (i.e., three intakes of 15 students) and 15 students per year, respectively. The Network confirmed with the unions running these programs that they had the capacity to increase their intakes of participants to meet the apprenticeship needs of the Crosstown project.

The Network's second objective was to support internationally trained professional immigrants in securing jobs in their field. Recent immigrants with professional, administration, or technical qualifications – many of them from racialized groups – are often shut out of work in their field due to a “lack of Canadian work experience,” or because their credentials are not recognized.<sup>57</sup> For example, only 20 per cent of engineers with degrees from outside Canada actually work as engineers or engineering managers, while 50 per cent of immigrant women with international engineering degrees are unemployed.<sup>58</sup> The third objective was to increase access by social enterprises to construction-related contracts, which are traditionally set too large for social enterprises to bid on.

The Network's fourth objective was to ensure that the building of transit infrastructure contributed to neighbourhood and environmental improvement. The Network wanted the maintenance and storage facility for the new Crosstown LRT trains to be built to high environmental standards, incorporate street beautification, reserve building space for community use, and intensify economic development on the site rather than leave it simply as a transit yard. The Network also wanted Metrolinx to use land it had acquired for the construction of the Crosstown for building affordable housing, to help offset the gentrification pressures facing low-income residents from the new LRT line.

The Network initially adopted an “insider” strategy that included lobbying, compromising on its demands, using a conciliatory and collaborative tone, and not publicly criticizing Metrolinx. Using a discourse that appealed to “jobs,” “equity,” and “good public policy,” the Network lobbied Metrolinx board members and provincial politicians to successfully open negotiations with Metrolinx's senior management. The Network wanted to have a CBA agreed to before the Crosstown project went to tender in June 2013. The Network considered lobbying to be the quickest method, and the most efficient use of scarce resources, for ensuring that a CBA would be set as a condition within the request for proposals (RFP). As it turned out, Metrolinx delayed issuing the RFP until December 2013, which gave the Network time to continue lobbying

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accessed 25 January 2016, <http://www.cobtrades.com/hammerheads/presentation.pdf>.

57. Jeffrey Reitz, Josh Curtis & Jennifer Elrick, “Immigrant Skill Utilization: Trends and Policy Issues,” *Journal of International Migration and Integration* 15, 1 (2014): 1–26, doi:10.1007/s12134-012-0265-1.

58. Ontario Society of Professional Engineers, *Crisis in Ontario's Engineering Labour Market: Underemployment among Ontario's Engineering-Degree Holders* (Toronto: OSPE, January 2015), <https://www.ospe.on.ca/public/documents/advocacy/2015-crisis-in-engineering-labour-market.pdf>.

while simultaneously building up its membership base, developing internal participatory governance structures, and establishing working groups to refine its four CBA objectives into concrete programs.

The Toronto and York Region Labour Council played a critical role in developing the strategy of the Network, mobilizing funds from foundations to pay for part-time and full-time staff and using its political stature and connections to open negotiations with Metrolinx. But the Network was not what some scholars of labour-community coalitions have critiqued as a “vanguard coalition” that was bargaining for the narrow self-interests of particular unions in the name of “community.”<sup>59</sup> In fact, Labour Council representatives had to spend considerable effort trying to convince unions to participate in the coalition, which comprised mostly neighbourhood groups and social agencies. The Labour Council was motivated by a commitment to equity that began in 2002.<sup>60</sup> It has viewed political organizing within racialized and recent immigrant groups as necessary both for increasing union density and for defending both unions and communities against populist right-wing electoral politics.

### The Network’s Impact on Policy

THE NETWORK’S INSIDER STRATEGY had some initial success. To the surprise of the Network, Metrolinx opened its doors to negotiations in December 2012. After nearly a year of negotiations, Metrolinx agreed to insert special clauses into the RFP for the construction of the Eglinton Crosstown LRT that required the bidding consortia to submit an “Apprenticeship Plan and Program” as well as a “Community Benefits and Liaison Plan” (see Table 1). In April 2014, the Network and Metrolinx signed Ontario’s first-ever “community benefits framework,” which established a set of agreed-to principles and responsibilities governing the delivery of community benefits for the Crosstown project as well as two other, future LRT projects in Toronto along Finch and Sheppard Avenues. But as I point out below, the framework was not legally binding and was vague in terms of implementation details. Metrolinx did commit to a “community benefits program” aimed at “offering a range of employment, training, and apprenticeship opportunities for historically disadvantaged communities and equity seeking groups, as well as encouraging the provision of goods and services from local suppliers and social enterprises.”<sup>61</sup>

59. Carola Frege, Edmund Heery & Lowell Turner, “The New Solidarity? Trade Union Coalition-Building in Five Countries,” in *Varieties of Unionism: Strategies for Union Revitalization in a Globalizing Economy*, ed. Carola Frege & John Kelly (Oxford: Oxford University Press, 2004).

60. Cartwright, “Rise of Toronto’s Living Wage Campaign”; Toronto and York Region Labour Council, “Organizing for Strength in Toronto’s Diverse Communities,” Executive Board Statement, 3 October 2002.

61. Metrolinx & Toronto Community Benefits Network, “Metrolinx Community Benefits Framework,” 23 April 2014, [http://www.thecrosstown.ca/sites/default/files/metrolinx\\_](http://www.thecrosstown.ca/sites/default/files/metrolinx_)

The reference to “historically disadvantaged communities and equity seeking groups” was a win for the Network and challenged Metrolinx’s preference for using vague, homogenizing, and apolitical language, such as “community partners.”

The success of the Network in shaping policy discourse was made evident in a speech by Premier Kathleen Wynne to over a thousand union and community delegates at a Good Jobs Summit in Toronto in October 2014. Wynne highlighted the work of the Network and championed the concept of linking infrastructure spending to community benefits:

Working together, these partners have ensured that the Crosstown build will mean good jobs for people from disadvantaged communities along the line. They signed in fact Ontario’s first community benefits agreement on a project like this. Training, apprenticeship, and employment opportunities are now a legally binding aspect of the Crosstown. [applause] Great thing. It’s a great thing. So, for me, that represents a turning point in how we invest public money. We have the public money invested in the infrastructure, but it’s working for people. That’s what I love about infrastructure investments. Good jobs here in Ontario, and with benefits for the entire community for today and tomorrow. With so much investment in public infrastructure ahead we’re going to keep working together to seize every opportunity for good jobs that build that fairer, more equitable Ontario that I know we’re capable of. And I hope that the community benefits process signals a new era of collaboration along the workforce development pipeline. Bringing the goals of government, labour, not-for-profit and business closer together. Because they should not diverge. They should be, ah, all pulling in the same direction.<sup>62</sup>

With the support of the Building and Construction Trades Council of Ontario, the Network also successfully lobbied the provincial government to amend Bill 6 (Infrastructure for Jobs and Prosperity Act). The principle of the act was amended to promote the inclusion of community benefits for infrastructure projects (though it fell short of requiring them):

Infrastructure planning and investment should promote community benefits, being the supplementary social and economic benefits arising from an infrastructure project that are intended to improve the well-being of a community affected by the project, such as local job creation and training opportunities (including for apprentices, within the meaning of section 9), improvement of public space within the community, and any specific benefits identified by the community.<sup>63</sup>

Toronto’s municipal politicians also drew inspiration from the Network’s advocacy. For example, Olivia Chow incorporated CBAs into her (failed) 2014

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community\_benefits\_framework\_0.pdf.

62. “Full version: Kathleen Wynne speaks at the [UNIFOR] Good Jobs Summit,” YouTube video, 29:14, posted by “TheRyersonian,” 4 October 2014, [https://www.youtube.com/watch?v=zJ\\_5VdxM2mY](https://www.youtube.com/watch?v=zJ_5VdxM2mY).

63. Bill 6, *An Act to Enact the Infrastructure for Jobs and Prosperity Act*, 2015, 1st sess., 41st Legislature Ontario, 2015, [http://www.ontla.on.ca/bills/bills-files/41\\_Parliament/Session1/b006ra.pdf](http://www.ontla.on.ca/bills/bills-files/41_Parliament/Session1/b006ra.pdf). The Toronto Community Benefits Network also inspired a similar bill federally, which is currently under debate in committee: Bill C-227, *An Act to Amend the Department of Public Works and Government Services Act (community benefit)*.

Toronto mayoral campaign. Councillor Kristyn Wong-Tam proposed that the city establish a Community Benefits Working Group and CBA protocol.<sup>64</sup>

The Network's success in introducing the concept of CBAs into mainstream policy circles is partly explained by opportunities created from political crises facing both Metrolinx and the Liberal minority government. Neighbourhood groups along Toronto's northwest rail corridor had created a public relations disaster for Metrolinx dating back to 2004. The construction of a new regional commuter line as well as a luxury express service from Pearson airport to downtown Union Station caused disruptions and environmental concerns for adjacent residents.<sup>65</sup> Residents also pressed successfully for a station to be built in their neighbourhood and for the premium express-service fares to be drastically reduced, to a price within reach of working-class commuters. Residents along the corridor later formed the Clean Trains Coalition, staging community events and even suing Metrolinx (unsuccessfully) in August 2012 to have the agency reverse its decision to use diesel trains rather than to electrify the rail corridor. The ruling Liberal administration became a target of the Clean Trains Coalition. The New Democratic Party (NDP) seized on widespread discontent with Metrolinx to narrowly steal some seats from the Liberals in electoral ridings along the northwest rail corridor. Because they were left only a couple of seats shy of a majority government following the 2011 Ontario general election, the ruling Liberals had to pay much closer attention to the concerns of swing ridings such as those along Toronto's northwest rail corridor. Some of the key activists involved in these struggles would go on to help form the Network.

Community activists and NDP politicians began demanding that poor and racialized residents concentrated along the corridor should benefit from the billions of infrastructure dollars being invested in their backyards.<sup>66</sup> This demand was heightened following a wave of high-profile gun violence in Toronto during the summer of 2012, including the shooting deaths of Black youth along the northwest rail corridor. The Black community renewed

64. H. G. Watson, "Chow, Wynne, in Favour of Community Benefit Agreements," *Rabble News*, 6 October 2014, <http://rabble.ca/news/2014/10/chow-wynne-favour-community-benefit-agreements>; Coun. Kristyn Wong-Tam to Mayor John Tory, "Community Benefits Agreements (CBAs)," 6 April 2015, <http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-78810.pdf>.

65. Tess Kalinowski, "Metrolinx Construction Leaves a Bad Taste in Weston," *Toronto Star*, 16 August 2013, [https://www.thestar.com/news/gta/2013/08/16/metrolinx\\_construction\\_leaves\\_a\\_bad\\_taste\\_in\\_weston.html](https://www.thestar.com/news/gta/2013/08/16/metrolinx_construction_leaves_a_bad_taste_in_weston.html).

66. The precursor coalition to the Network, called the Mount Dennis Weston Network (MDWN), was based in one of the neighbourhoods along the rail corridor. The MDWN first fought developers over their proposal to rezone industrial lands and build a big-box retail store. The MDWN later advocated for a CBA linked to the construction of a maintenance and storage facility at the same site that would service the Eglinton Crosstown LRT. The MDWN scaled up organizationally into the Network, developing demands for a CBA covering the entire Crosstown project. Nugent, "Struggling for Good Green Jobs."

pressure on the provincial government to create economic opportunities that could end cycles of poverty and crime.<sup>67</sup> The Network's proposal for a CBA therefore offered both Metrolinx and the government a much-needed "good news" story around both transit construction and efforts to address racialized poverty. The Network mobilized this opportunity during face-to-face negotiations and through a positive (vs. oppositional) media strategy. The Network worked with sympathetic journalists to have the proposal for a Crosstown CBA featured in mainstream newspapers, thereby raising the public expectations placed on Metrolinx.

The Network's effectiveness at mobilizing resources also accounts for its success in introducing the concept of CBAs into mainstream policy circles. Between 2012 and 2016, the Network secured over \$900,000 in grants from charitable foundations including the United Way, the Atkinson Foundation, and the Maytree Foundation. This funding allowed the Network to hire full-time staff members to lead its lobbying, negotiation, and outreach efforts and paid for basic organizing expenses (e.g., food for meetings, printing of materials). These charitable foundations are well respected across the political spectrum. Securing this funding increased the legitimacy of the Network in the eyes of Metrolinx and the government, and it signalled that the Network was not "going away" and thus had to be negotiated with.

## Evaluating Employment Equity Results

ALTHOUGH THE NETWORK got Metrolinx to sign a Community Benefits Framework and to include community benefits clauses in the RFP for the Crosstown, and despite the premier's blessings, this community benefits program fell short of a legally enforceable CBA. My review of the CBA literature identifies six mechanisms that must *all* be in place for a CBA to realize employment equity goals:

1. *A clear and inclusive definition* of the groups being targeted for support (i.e., "equity-seeking and historically disadvantaged groups").
2. *Training and pre-employment programs* for targeted groups (e.g., apprenticeship programs, bridging programs for internationally trained immigrants).

67. Urban Alliance on Race Relations, "City's Summer of Violence Calls for Community-Based Solutions," editorial, *Toronto Star*, 3 August 2012, [https://www.thestar.com/opinion/editorialopinion/2012/08/03/citys\\_summer\\_of\\_violence\\_calls\\_for\\_communitybased\\_solutions.html](https://www.thestar.com/opinion/editorialopinion/2012/08/03/citys_summer_of_violence_calls_for_communitybased_solutions.html); Yafet Tewelde & Lekan Olawoye, *From Analysis to Action: A Collective Approach to Eliminate Youth Violence* (report prepared for the Youth Anti-Violence Task Force, Toronto, 4 November 2013), <http://www.yorku.ca/act/reports/ReducingYouthViolence.pdf>.

3. *A legal mechanism* that gives targeted groups preferential access to training and job opportunities. (This has been achieved in other jurisdictions through numerical [“hard”] targets and/or “First Source Hiring” policies [“soft targets”] that give targeted groups advanced access to job postings and/or the first round of interviews. Preference or procurement set-asides have also been given to social enterprises or businesses owned by women and people of colour.)
4. *Community-based, culturally appropriate outreach* to ensure that targeted groups receive notice of opportunities and are encouraged to apply by people they trust.
5. *Wrap-around supports* for participants so they can attend training and retain jobs (e.g., child care, mentorship, financial assistance, training and strategies within workplaces to address sexism and racism).
6. *Strong coordination, monitoring, and legal enforcement mechanisms* to ensure parties to the CBA comply. A dedicated coordinator within government helps drive implementation.<sup>68</sup>

Metrolinx’s community benefits program included only some of these six mechanisms (see Table 1).

Although the RFP clauses are legally enforceable, they are written in broad terms that reduce their legal significance. The vaguely worded Community Benefits and Liaison Plan only requires companies to better disseminate knowledge of existing job and procurement opportunities associated with the project. The Apprenticeship Plan and Program takes this a step further, requiring “a focused program for youth-at-risk, historically disadvantaged groups in local communities including low-income, racialized and immigrant populations, and military veterans.”<sup>69</sup> But the details of this program were left up to the contractor to define. Most significantly, these plans and programs did not legally bind Metrolinx or its contractors to any specific equity hiring targets or hiring policies.

In the end, what Metrolinx would come to refer to as its “community benefits program” adopted a workforce development approach on the (false) premise that equity-seeking and historically disadvantaged workers simply require better labour market information and access to training to equitably compete

68. James Nugent, “Building Opportunities through Community Benefits Agreements: Leveraging Infrastructure Projects to Increase Training and Labour Market Access for Equity-Seeking and Historically Disadvantaged Groups in Ontario” (unpublished report funded by the Ontario Human Capital Research and Innovation Fund, March 2014).

69. Metrolinx, “Excerpt of Metrolinx Request for Proposal for the Eglinton Crosstown Project (Clauses 1.1 & 20.15),” April 2014.

**Table 1: Comparison of CBA proposed by the Network and the Community Benefits Framework and RFP clauses agreed to by Metrolinx**

CBA factor for success	Network’s CBA proposals*	Community benefits framework (signed by Metrolinx 23 April 2014)	Community benefits clauses in Metrolinx RFP (December 2013)
<b>Inclusive definition of targeted groups</b>	– comprehensive: “historically disadvantaged communities and equity seeking groups ... residents in low income neighbourhoods, including Priority Neighbourhoods; urban Aboriginal populations; within racialized and newcomer communities; and people with disabilities as well as youth and women who are disadvantaged.”	– defined only as “historically disadvantaged communities and equity seeking groups”	– defined for apprenticeship program only: “youth-at-risk, historically disadvantaged groups in local communities including low-income, racialized and immigrant populations, and military veterans”
<b>Training &amp; employment programs</b>	– specific targets for expanding union pre-apprenticeship programs: 100% of new apprentices to be hired from targeted groups – jobs pipeline for immigrants with international credentials in PAT sectors	– no targets or specific programs identified – “timely” notification of PAT job openings within Metrolinx – Metrolinx will approve and enforce apprenticeship plan proposed by Project Co**	– Apprenticeship Plan & Program to be developed by Project Co for hiring targeted groups, apprenticeship completion, ensuring supply of each trade – Project Co must develop Community Benefits & Liaison Plan to “enhance community awareness” of employment opportunities, liaise with local workforce agencies – no program stipulated for PAT jobs

Notes: \* based on seven negotiation meetings between Metrolinx and the Network that the author participated in, a draft CBA given to Metrolinx by the Network, and a presentation given to bidding consortia by the Network; \*\* “Project Co” referred to whichever construction consortium would go on to win the Crosstown LRT contract (i.e., Crosslinx).

<b>Social procurement</b>	<ul style="list-style-type: none"> <li>– mandatory use of social enterprises (minimum dollar amount to be negotiated)</li> <li>– specific social enterprises already identified (e.g., catering, printing, security)</li> <li>– use of smaller tenders aimed at small businesses</li> </ul>	– Metrolinx will approve and enforce social procurement plan proposed by Project Co	<ul style="list-style-type: none"> <li>– not specified</li> <li>– Project Co must provide plan to “enhance community awareness” of procurement opportunities</li> </ul>
<b>Legal mechanism for preferential access</b>	<ul style="list-style-type: none"> <li>– hard and soft targets</li> <li>– first source hiring policy</li> </ul>	– none	– none
<b>Community-based, culturally appropriate outreach</b>	– targeted outreach by Network	– targeted outreach by Network, with financial support of provincial government (Ministry of Training, Colleges, and Universities)	<ul style="list-style-type: none"> <li>– not specified</li> <li>– Project Co must provide plan to “enhance community awareness” of employment and procurement opportunities</li> </ul>
<b>Wrap-around supports</b>	<ul style="list-style-type: none"> <li>– inclusive training strategy within workplaces to address sexism and racism</li> <li>– Network will provide job coaches and employment retention support services to apprenticeship program participants</li> <li>– coordination of social agencies to support participants</li> </ul>	– Network to provide mentorship to targeted groups in apprenticeship programs (no funding from Metrolinx committed)	– none
<b>Dedicated resources</b>	<ul style="list-style-type: none"> <li>– dedicated coordinator</li> <li>– Metrolinx to pay Network for facilitating targeted recruitment and pre-employment training</li> </ul>	<ul style="list-style-type: none"> <li>– dedicated coordinator hired by Metrolinx</li> <li>– Ontario government will provide funds for targeted recruitment and analysis of workforce development model</li> </ul>	– Project Co must identify liaison person or team

<b>Monitoring</b>	<ul style="list-style-type: none"> <li>– clear training and hiring targets</li> <li>– minimum quarterly reporting</li> <li>– comprehensive CBA oversight committee proposed</li> </ul>	<ul style="list-style-type: none"> <li>– Metrolinx to host regular meetings with Community Benefits Working Group</li> </ul>	<ul style="list-style-type: none"> <li>– annual report by Project Co on plan's implementation</li> <li>– monthly statistic of apprentice-to-journeyperson ratio</li> <li>– Apprenticeship Plan, Community Benefits &amp; Liaison Plans to be public documents</li> </ul>
<b>Enforcement</b>	<ul style="list-style-type: none"> <li>– legally binding agreement between Network, Metrolinx, and Project Co</li> </ul>	<ul style="list-style-type: none"> <li>– not legally binding</li> </ul>	<ul style="list-style-type: none"> <li>– legally binding agreement between Project Co and Metrolinx on RFP clauses only</li> </ul>
<b>Broader environmental &amp; land-use considerations</b>	<ul style="list-style-type: none"> <li>– intensified economic development on LRT maintenance and storage facility site</li> <li>– affordable housing built on any surplus land used during construction</li> <li>– maximized environmental design</li> </ul>	<ul style="list-style-type: none"> <li>– Network “may also be invited to participate” in discussions on development of Metrolinx-owned property</li> <li>– LRT maintenance and storage facilities to be LEED gold or silver</li> </ul>	<ul style="list-style-type: none"> <li>– none (conditions might be laid out in other, confidential sections of RFP)</li> </ul>

for jobs. In other words, inequality is understood as a problem of marginalized *individuals* (their knowledge of the labour market, their training) rather than any problem with institutional structures, practices, or culture. This contrasted with the Network's proposals for institutional changes to hiring practices and workplace cultures, as well as for the monitoring and enforcement of quantitative equity targets.

The construction consortium that eventually won the Crosstown contract, Crosslinx Transit Solutions, operationalized the Community Benefits and Liaison Plan and the Apprenticeship Plan by having its human resources department coordinate with existing workforce development programs and services offered by unions, the City of Toronto, and social agencies.<sup>70</sup> But in terms of employment equity and social procurement, Crosslinx would stick closely to the (nominal) legal obligations stipulated in its project agreement with Metrolinx.

In November 2016, after no less than four years of negotiations, the Network, Metrolinx, and Crosslinx Transit Solutions eventually signed a well-publicized declaration to “aspire to achieving a goal” for “employing apprentices

70. The Apprenticeship Plan and the Community Benefits and Liaison Plan developed by Crosslinx Transit Solutions are both available online; see “Community Benefits,” Eglinton Crosstown, accessed 24 February 2017, <http://www.thecrosstown.ca/community-benefits>.

or journeypersons from historically disadvantaged communities and equity seeking groups to perform 10 per cent of all trade or craft working hours, on a trade by trade basis.”<sup>71</sup> To the credit of the labour-community coalition, this was the first time that any kind of employment equity target – even if only an aspirational one – had been won for an urban infrastructure project in Ontario; anecdotally, some trades do fall below 10 per cent in terms of employment equity, meaning that reaching the target would be an improvement. However, no baseline study of Toronto’s construction and building trades was ever conducted, meaning the 10 per cent goal for equity-seeking and historically disadvantaged groups may already be being met. At a national scale, for which statistics have been gathered as part of Canada’s Employment Equity Act, the private sector labour market availabilities of designated equity-seeking groups in the skilled crafts and trades are 3.9 per cent for women, 4.5 per cent for Aboriginal peoples, 3.8 per cent for people with disabilities, and 10.3 per cent for members of visible minorities.<sup>72</sup>

Another problem with the declaration is that “historically disadvantaged communities” remains undefined, inviting conceptual slippage that makes it easier for additional groups of workers, whom the Network did not intend, to be counted toward meeting the 10 per cent target. The government press release announcing the declaration already broadened the conceptualization of targeted groups, removing mention of equity and instead shifting toward a more general and geographical meaning: “apprentices and journey persons who live along the transit corridor and who have had trouble finding jobs.”<sup>73</sup> The Network had always resisted defining target populations in geographical terms (e.g., “local communities”), because it does not explicitly address employment equity. The 10 per cent target can also be criticized for being far too low of an aspirational goal, considering that 49.1 per cent of Toronto’s residents are “visible minorities” and just over half are women.<sup>74</sup>

Metrolinx did hire a dedicated “community benefits specialist” to coordinate its community benefits program and would also require that the contractor have dedicated community benefits liaison staff. In terms of monitoring results, Metrolinx agreed to include the Network in a working group

71. “Declaration re. Apprentices on the Eglinton Crosstown LRT Project,” Metrolinx, The Eglinton Crosstown Light Rail Transit Program, signed 8 November 2016, [http://www.thecrosstown.ca/sites/default/files/crosstown\\_apprenticeship\\_declaration\\_signed.pdf](http://www.thecrosstown.ca/sites/default/files/crosstown_apprenticeship_declaration_signed.pdf).

72. Employment and Social Development Canada, *Employment Equity Act: Annual Report 2016* (Ottawa 2016), <https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/employment-equity-2016.html>.

73. Ontario, Office of the Premier, “Ontario Helping People Facing Employment Barriers Get Construction Jobs,” media release, 7 December 2016, <https://news.ontario.ca/opo/en/2016/12/ontario-helping-people-facing-employment-barriers-get-construction-jobs.html>.

74. Statistics Canada, “Immigration and Ethnocultural Diversity in Canada: National Household Survey, 2011,” Catalogue No. 99-010-X2011001 (Ottawa: Minister of Industry, 2013), <http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-010-x/99-010-x2011001-eng.pdf>.

that would “participate in the creation of a monitoring and evaluation framework,” but did not provide further details as to the nature of this framework. Despite suggestions from the Network, neither Metrolinx nor Crosslinx has yet to put any process in place for collecting disaggregated demographic data on the workforce building the Crosstown LRT, making it impossible to properly evaluate the impact of community benefits programs in terms of employment equity, beyond collecting anecdotes.

The Network received the most support from Metrolinx and the provincial government for its proposal to carry out community-based, culturally appropriate outreach. Many new immigrants do not know how to navigate the apprenticeship system, may not see the trades as a good career for their children, or lack the social capital to access opportunities in the trades. The Network received an additional \$100,000 in workforce development funding from the provincial government (managed through the United Way) to conduct a series of “resident engagement sessions” within marginalized communities across the city to promote careers in the building and construction trades. Between late 2014 and the summer of 2015, these resident engagement sessions generated a database of approximately 330 prospective applicants. Trade union representatives attended these sessions and helped about a dozen targeted residents enter union apprenticeships even before station construction for the Crosstown began in March 2016.<sup>75</sup> By the time construction picked up, going into 2017, the Network had coordinated with Crosslinx and trade unions to place a couple of dozen more apprentices.

In terms of improving access to professional, administrative, and technical (PAT) jobs for immigrants with international credentials and experience, Metrolinx agreed only to pass along job postings to the Network and relevant social service agencies, which then used their databases of targeted residents to identify and pre-screen qualified applicants. But neither Metrolinx nor its contractors were under any obligation to interview candidates sent to them by the Network. At its December 2016 board of directors meeting, Metrolinx claimed that Crosslinx had hired 42 people through the PAT jobs pipeline.

To put these apprenticeship and PAT job numbers into context, Metrolinx has stated that the Crosstown project “is creating thousands of design and construction jobs.”<sup>76</sup> In 2015, Metrolinx reported that its own workforce (not including hires by Crosslinx for the Crosstown project) totalled 3,372 – a number that had increased at a rate of 10 per cent annually for the previous five years – with 275 new hires projected for the 2015–16 fiscal year.

The Network has struggled to help social enterprises gain access to procurement contracts. Tenders for large infrastructure projects are often too big

75. The \$500 million worth of tunnelling contracts for the Crosstown, with work beginning in 2013, were not subject to any community benefits negotiations or programs.

76. “Eglinton Crosstown LRT,” Metrolinx, accessed 1 March 2017, <http://www.metrolinx.com/en/projectsandprograms/transitexpansionprojects/crosstown.aspx>.

for social enterprises to bid on. Besides smaller tenders, the Network asked Metrolinx to set a target for the dollar amount of social enterprises contracts to be awarded for the project. Metrolinx has instead simply increased the exposure of social enterprises to procurement officers. As of February 2016, thirteen social enterprises had been “prequalified” and seven had been interviewed by a procurement officer, but only one had received business (worth \$1,000). By early 2017, Crosslinx had procured \$13,420 worth of services from social enterprises, including couriers and catering.

Although the Network’s insider strategy managed to launch the idea of CBAs into mainstream policy circles, results have so far been minimal in terms of the number of equity-seeking and historically disadvantaged residents hired to work on the Crosstown LRT project through community benefits programs. Four years of negotiations and meetings between Metrolinx and the Network have failed to lead to any more than a few dozen targeted residents getting jobs, on a project worth \$6.6 billion.<sup>77</sup> This implementation failure reflects the success of Metrolinx at bureaucratizing the Network’s advocacy into protracted negotiations and a largely ineffective workforce development approach. The Network bolstered its lobbying efforts by adopting a conciliatory and compromising relationship with Metrolinx and the governing political party. The Network avoided explicitly demanding a *right* to “employment equity” and instead evoked the bureaucratic logic of “good public policy.”<sup>78</sup> The Network also made a “business case” for implementing a CBA, referring to the way that community benefits “added value” to the project (alluding to the “value for money” discourse being used by the government to justify public-private partnerships). The Network did not organize protests against Metrolinx or the government and did not publicly criticize Metrolinx after negotiations had begun. Only belatedly, in the fall of 2016, did the Network publicly voice frustration with the lack of action by Metrolinx and Crosslinx (which seems to have helped bring about the joint declaration discussed above).<sup>79</sup>

77. At the time of writing, construction is still in its first phase. Although time remains for the Network to pressure Metrolinx and Crosslinx Transit Solutions for better outcomes, Crosslinx is contractually obliged to fulfill only the vague requirements for community benefits stipulated in the RFP (see Table 1).

78. The Network’s leadership feared that publicly criticizing the government about employment equity would have sparked a right-wing political backlash in the media – as had been mobilized by Ontario neoconservatives in the 1990s to elect the Progressive Conservatives under Premier Mike Harris. For this reason, even internal documents of the Network never included the phrase “employment equity,” or “affirmative action.” Abigail Bakan & Audrey Kobayashi, “Affirmative Action and Employment Equity: Policy, Ideology, and Backlash in Canadian Context,” *Studies in Political Economy* 79, 1 (2007): 145–166.

79. Ben Spurr, “Will Crosstown LRT Builders Keep Their Local Jobs Pledge?,” *Toronto Star*, 26 September 2016, <https://www.thestar.com/news/gta/2016/09/26/will-crosstown-lrt-builders-keep-their-local-jobs-pledge.html>.

An alternative strategy would have seen the Network try to increase its bargaining power by mobilizing external political pressure on Metrolinx and the government. The Network could have organized politically within marginalized neighbourhoods by connecting the struggle for a CBA to growing frustrations around several issues: a lack of (decent) jobs; increasing rent and transit costs; poor transit service; racism and sexism in the labour market; and government inaction on the root causes of gun violence. During its initial formation, the Network did organize three community meetings that tried to link some of these issues with a potential CBA.<sup>80</sup> But its leadership felt it lacked the time and resources to continue or to deepen this type of community organizing, especially since there are very few existing grassroots organizations in Toronto's marginalized neighbourhoods that the Network could have worked with. Toronto has many social agencies, some of which joined the Network; however, agencies are reluctant to engage in political activity out of fear of losing their government funding. In hindsight, the Network was quite successful at securing funds – although these funds were mostly tied to narrow workforce development activities.

In addition to concerns regarding its organizing capacity, the Network leadership commonly cited their fear of “raising false expectations” among marginalized residents. The leadership worried that if jobs on the Crosstown LRT project never materialized through a CBA, there would be a negative backlash against the Network and Labour Council that would undermine future political campaigns and coalition-building efforts. Successful grassroots organizing, both within unions and communities, also increases participants' democratic expectations within a coalition. But members' democratic engagement threatens any leaders who want to maintain strategic control through top-down organizational structures and leadership practices.<sup>81</sup> Although the Network had several participatory governance structures (e.g., an elected steering committee, open working groups for each of its four objectives), the negotiation and media strategies – and decisions on how funds were allocated – were set largely by Labour Council representatives and an inner circle of trusted coalition members. Meanwhile, the funding agencies on which the Network relied for financial support exerted increasing influence over the Network's priorities, shifting it away from community organizing and toward bureaucratic activity centred on workforce development. I argue that winning meaningful and lasting gains through political bargaining (including CBAs)

80. A summary of each of these meetings can be found on the Anti-Poverty Community Organizing and Learning (APCOL) website, under the titles “Family Day in Mount Dennis,” “Interactive Panel Discusses ‘Community Benefits’ in Mount Dennis,” and “Toronto Community Benefits Network Launches First City-Wide Meeting, January 24, 2014” (all were written by James Nugent): [http://www.oise.utoronto.ca/apcol/Case\\_Studies/Mount\\_Dennis\\_-\\_CBA/index.html](http://www.oise.utoronto.ca/apcol/Case_Studies/Mount_Dennis_-_CBA/index.html).

81. Jane McAlevey with Bob Ostertag, *Raising Expectations (and Raising Hell): My Decade Fighting for the Labor Movement* (London: Verso, 2012).

requires a type of deep organizing that engages people door-to-door in communities, or member-to-member in unions, and that raises expectations genuinely by engaging all participants in transparent discussions about strategy, tactics, and resource allocation (e.g., through participatory budgeting, participatory bargaining, and popular assemblies).<sup>82</sup> Since construction on the Crosstown LRT is only wrapping up its first phase at the time of writing, the Network may still have time to amass political pressure on the government through this type of deep community organizing.

## The Role of the Building and Construction Trade Unions

ANOTHER SIGNIFICANT CHALLENGE for the Network has been gaining political buy-in from the building and construction trade unions. Although representatives from a few union training centres participated regularly in Network meetings, and even sat on the Network's steering committee, the unions' elected political leadership did not participate directly in the Network.<sup>83</sup> Most notably, the COBT, which ran the Hammer Heads pre-apprenticeship program for disadvantaged youth, did not participate in the Network – although some COBT-affiliated unions did participate. The Network's original vision for a CBA had involved greatly expanding the Hammer Heads program, but the program's director was not open to working with the Network. The Network was more successful working with the Carpenters' Union, which ran its own pre-apprenticeship program called CHOICE. The president of the Labour Council was from the Carpenters' Union, which fostered this relationship.

Historically, the building and construction trade unions have operated as “bread and butter” business unions, making it highly unusual for these unions to engage in labour-community coalitions. This is not to say that these unions have avoided politics – far from it. The building and construction trade unions provided the ruling provincial Liberal Party with significant financial contributions and political endorsements.<sup>84</sup> This support has bought the building and construction unions direct access to government ministers, with the result that “insider politics” are favoured over the formation of external political campaigns and labour-community coalition building. In this context, participation in the Network – even if primarily through their training centres – is an important initial step if the building and construction trade unions are ever to engage in community unionism. On the other hand, it remains to be

82. McAlevey, *Raising Expectations*.

83. Representatives from the Carpenters' Union (Local 27) and the International Brotherhood of Electrical Workers (IBEW Local 353) joined the Network in its early stages and were later joined by representatives from the Ironworkers (Local 721), the Sheet Metal Workers (Local 30), and the Labourers' Union (Local 506).

84. Nugent, “Ontario's Infrastructure Boom.”

seen whether the trade unions will continue participating in the Network if the coalition shifts from an insider strategy to an organizing strategy based on pressuring the government externally. In the struggle for a CBA, organized labour can offer community groups considerable experience and skills in negotiating contracts. But this strength can also become a weakness for a CBA coalition if the unions involved are so used to bargaining through an insider strategy that they cannot adapt to – or even resist – an external organizing strategy when it is needed.

Another reason that trade unions were cautious in supporting a CBA is that they are much more familiar negotiating PLAs. While the Network was negotiating with Metrolinx for a CBA, the building and construction trades were having parallel discussions with the provincial government to secure a PLA for the Crosstown LRT project (Metrolinx refused to agree to a PLA, leaving the decision to the future contractor). Although the incorporation of equity hiring provisions into PLAs has become more popular in the United States,<sup>85</sup> there is no indication that unions were using the prospect of a PLA to advance equity hiring for the Crosstown project.

Even without a CBA or PLA, the trade unions themselves could have unilaterally increased equity in their apprenticeship programs. They control admittance into many apprentice training programs and regulate hiring (on unionized job sites) through the dispatching practices of union hiring halls. The Network's negotiation team anticipated that the unions might raise concerns that employment equity initiatives would undermine long-standing dispatching practices of union hiring halls that are based on the principle of "first out of work, first rehired" (together with some flexibility accorded for experience and skills).<sup>86</sup> The Network therefore proposed binding employment equity targets only for new apprentices, not for journeypersons or returning apprentices. Still, employment equity would have surely been a contentious issue for union memberships, given that many new apprentices are brought into the union through entrenched familial and sociocultural networks. Intakes into apprenticeship programs become particularly politicized within unions during the cyclical periods of high unemployment characteristic of the construction sector, when they are significantly reduced or cancelled.<sup>87</sup> Gaining the membership's approval for employment equity policies would have therefore required considerable internal organizing within trade unions

85. A random sampling of 185 PLAs in the US (signed between 1995 and 2010) identified 100 PLAs with provisions for hiring women or visible minorities. Figueroa, Grabelsky & Lamare, "Community Workforce Agreements."

86. The president of the Labour Council was aware of and sensitive to the internal politics of the building and construction trade unions, being a carpenter by trade and formerly the business manager of the Construction Trades Council.

87. When the Network first formed, unemployment was low within Toronto's construction sector, but by 2015 some apprenticeship intakes were being cancelled due to rising unemployment.

to clarify and win support for a proposal to select and hire apprentices in line with equity goals.

Alternatively, the provincial government could have unilaterally imposed employment equity hiring targets on the trades for the Crosstown LRT project, even without the support of the unions, by taking over control of dispatching workers to the job site. This was done by the government of British Columbia in the mid-1990s for the Vancouver Island Highway Project with successful outcomes in terms of increasing the workforce participation of women, Aboriginal people, people with disabilities, and visible minorities.<sup>88</sup> But such a measure would have been interpreted by unions as an aggressive political move and so was unlikely given the very close political (including financial) relationship between the ruling Liberal government and the leadership of the building trade unions, as well as the Liberals' minority status (which required the party to shore up as much political support as possible). Fundamentally, Metrolinx and the government were not prepared to put in place employment equity hiring policies – not even for white-collar positions within Metrolinx, over which they already had total discretion.

The building and trade unions have failed to embrace employment equity, not only as a goal in itself, but as a politically critical strategy for defending their own narrow, organizational self-interest. Employer-backed political parties and think tanks in Ontario are using high levels of unemployment and underemployment, experienced disproportionately within racialized and immigrant communities, as an excuse for implementing anti-union, neoliberal reforms in the construction sector. For example, the Ontario Progressive Conservatives promised during the 2014 election campaign to create 200,000 new skilled jobs over four years “at the stroke of a pen” by increasing apprenticeship-to-journeyperson ratios on construction sites.<sup>89</sup> Trade unions argued that the restructuring of apprenticeship ratios was simply a way for employers to save on labour costs, at the expense of safety and quality training. But a policy to increase the number of apprentices appeals to poor, racialized workers and immigrants who feel shut out of good-paying unionized careers in the trades.

Besides the issue of apprenticeship ratios, trade unions and the Network missed an opportunity to link the struggle for a CBA with opposition to neoliberal restructuring of public infrastructure governance. Construction corporations have been successfully lobbying and pressuring all levels of government to deregulate and marketize the procurement process for public infrastructure projects. In Toronto, urban transit lines were historically built by the publicly run Toronto Transit Commission (TTC), which since 1959 has

88. Cohen & Braid, *The Road to Equity*; Calvert & Redlin, “Achieving Public Policy Objectives.”

89. Progressive Conservative Party of Ontario, “Paths to Prosperity: Flexible Labour Markets,” Ontario PC Caucus White Paper, June 2012, <http://pettapiece.ca/wp-content/uploads/2012/12/PtP-Flexible-Labour-Markets.pdf>.

required that all its contractors use local trade unions and pay the prevailing wage rates.<sup>90</sup> This “closed shop” policy represents the historical strength of trade unions’ influence within municipal politics. The Eglinton Crosstown LRT was originally to be built by the TTC, with provincial funding. In 2012, the provincial government took over control of the project, bypassing the TTC’s closed-shop procurement policy. At the same time, the province announced it would privatize the design, building, financing, and maintenance of the Crosstown LRT line, in what it called an alternative financing and procurement (AFP) model (rebranding the less popular term “public-private partnership”). The province’s AFP model opened construction contracts to non-union contractors, thereby supporting the incursion of the Christian Labour Association of Canada (CLAC) into Ontario.<sup>91</sup> The province’s AFP model also outsourced TTC maintenance jobs, which otherwise would have been covered by the Amalgamated Transit Union (ATU) Local 113. And since Metrolinx has agreed to let the TTC operate the new LRT line only for the first ten years, union coverage of operating jobs is threatened.

These policy shifts were implemented by the ruling Liberal Party, but reflect a deepening of neoliberal governance that is championed from all corners of the ruling elite. In 2012, the Ontario Progressive Conservative Party (the official opposition) issued a white paper that promised to turn Ontario into a “right-to-work” jurisdiction while opening up all public procurement to non-union contractors.<sup>92</sup> The government was also under pressure from Merit Ontario, the open shop contractors’ association, which launched a media campaign criticizing the Liberal administration’s ties to “union bosses.”<sup>93</sup> Meanwhile, the federal government was negotiating new international free trade deals, including the Trans-Pacific Partnership (TPP) and the Canadian–European Union Economic and Trade Agreement (CETA), that would open up public infrastructure procurement to international corporations by significantly constraining the historical ability of provincial and municipal governments, and unions, to regulate both the supply chain and the labour market.<sup>94</sup>

The neoliberal restructuring of Ontario’s construction sector in general, and of Toronto’s LRT infrastructure in particular, presents opportunities

90. Toronto Transit Commission, “Open Shop Contracting,” report, 27 March 2013, [https://www.ttc.ca/About\\_the\\_TTC/Commission\\_reports\\_and\\_information/Commission\\_meetings/2013/March\\_27/Reports/Open\\_Shop\\_Contractin.pdf](https://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2013/March_27/Reports/Open_Shop_Contractin.pdf).

91. See Tufts & Thomas this issue.

92. Progressive Conservative Party of Ontario, “Paths to Prosperity.”

93. “Working Canadians TV Ad – More, More, MORE,” YouTube video, 0:30, posted by “Working Canadians,” 4 June 2014, <https://www.youtube.com/watch?v=tv-tRB5ImHQ#t=19>.

94. Stewart Trew, *The CETA Deception: How the Harper Government’s Public Relations Campaign Misrepresents the Canada-European Union Comprehensive Economic and Trade Agreement* (Ottawa: Council of Canadians, 17 July 2012), <https://canadians.org/sites/default/files/publications/CETAdeceptionreport-finalJuly2012.pdf>.

for building a mutual support coalition in which unions support demands by marginalized community groups for employment equity, while community groups join with unions to oppose deregulation and privatization. This coalition could also bring together antipoverty and public transit activists (e.g., TTCriders, Scarborough Transit Action) who are concerned with how public-private partnerships impact affordability and public control. Building a broad-based coalition would require the building and construction trade unions to accept that insider politics and business unionism is an insufficient strategy for confronting the magnitude of neoliberal restructuring currently underway in the construction sector. These unions are currently preoccupied with using their (diminishing) influence on government to curb the lowering of journey-person-to-apprenticeship ratios by the Ontario College of Trades, to compete with community colleges for government apprenticeship funds, and to jostle over long-standing jurisdictional disputes.<sup>95</sup> The ATU Local 113 has voiced opposition to public-private partnerships, even if it could do more to organize its membership politically. Although the ATU Local 113 has devoted few resources to labour-community coalition building, it has sponsored TTCriders.

For its part, the Network made a conscious strategic decision to separate its struggle for employment equity from concerns over deregulation and privatization of infrastructure procurement, while also abandoning class struggles over the gentrifying effects of transit-oriented development. This decision allowed the Network to be received by Metrolinx and politicians as a more “reasonable” and “pragmatic” negotiation partner; at the same time, however, it meant the Network potentially missed an opportunity to build a broader and more radically oriented coalition in favour of employment equity, union protection, the public delivery of affordable rapid transit, and affordable housing.

## Conclusion

THE NETWORK’S STRUGGLE for a CBA demonstrates how labour-community coalitions are struggling to win not only economic gains for the working class (e.g., through living-wage campaigns), but “extra-economic” social justice goals as well. CBAs represent an effort to increase the say and participation of marginalized residents in the production of urban space. Already, Metrolinx has been forced to reconsider its purpose as a public agency – moving beyond its original role as a builder and planner of transit infrastructure – to acknowledging its role in the delivery of social policy. The governments of Canada

95. Antonella Artuso, “Construction Union Vows to Fight Ontario College of Trades,” *Toronto Sun*, 26 March 2014, <http://www.torontosun.com/2014/03/26/construction-union-vows-to-fight-ontario-college-of-trades>; Ontario, Ministry of Advanced Education and Skills Development, “Ontario Allocates \$36 Million to Help Apprentices Become Ready to Work,” media release, 3 February 2016, <https://news.ontario.ca/maesd/en/2016/02/ontario-allocates-36-million-to-help-apprentices-become-ready-to-work.html>.

and Ontario are promising to spend \$125 billion and \$137 billion on public infrastructure over the next ten years, respectively. With much of this money earmarked for urban centres, the Network's work on CBAs is establishing a new battleground where equity-seeking and historically disadvantaged groups demand benefits from these investments.

The Network's struggle for a Crosstown CBA points to the unique set of opportunities and challenges associated with CBAs for public infrastructure projects that has gone unacknowledged in existing critiques of (largely private sector) CBAs in the literature. In contrast to private sector CBAs, the demands that coalitions make on public projects are not directly constrained by the logic of the neoliberal market and private property (e.g., politicians cannot threaten to relocate infrastructure investments unless the coalition reduces its CBA demands). And unlike CBAs for private sector projects, public sector CBAs do not enable private developers to secure direct state subsidies and control over urban planning in exchange for jobs, equity, or affordable housing. The CBA proposed by the Network also demonstrates a way for such agreements to avoid charges of militant particularism, by offering benefits to marginalized residents across the entire city, rather than restricting them to a particular neighbourhood. Although the Network's insider strategy succeeded at introducing the concept of CBAs into mainstream policy discussions, so far it has only realized a few concrete outcomes in terms of increasing employment equity on the Crosstown LRT project. The Network's troubled insider strategy demonstrates how labour-community coalitions can still be co-opted while negotiating CBAs for public sector projects.

CBAs for both public and private projects are being used by politicians and developers to give a progressive appearance to development projects that are gentrifying marginalized neighbourhoods. Meanwhile, labour-community coalitions are committing to narrowing and diluting their most radical demands for the sake of "reasonable" negotiations. Metrolinx was completely opposed to discussing how the Crosstown LRT will displace low-income and equity-seeking residents, so the Network instead used its negotiation leverage strategically, making a case only for employment equity (including social enterprises). But this strategic trade-off during negotiations reflects the danger of both private and public sector CBAs facilitating what Ian MacDonald calls a "negotiated gentrification," in which working-class concerns around jobs (including equitable access to jobs) are traded off against other working-class concerns such as housing, environmental concerns, and privatization.<sup>96</sup> These contradictions, which arise from the multiple positioning of workers within capitalism – as consumers, producers, and inhabitants – pose significant organizing challenges for labour-community coalitions.

This case study has demonstrated how closer historical and geographical analysis of particular labour-relations regimes helps explain the strategies

96. MacDonald, "Bargaining for Rights in Luxury City."

and outcomes of CBA negotiations. The Network's strategy was shaped, in part, by the close relationship between the building and construction trades and the ruling Liberal Party. Unions that are politically close to the government, or that fear the election of right-wing opposition parties, may be wary of "making the government look bad" by trying to win a CBA through applying external political pressure. But Premier Wynne's rhetoric, praising CBAs while her government was taking steps to privatize and deregulate infrastructure delivery, demonstrates the danger of CBAs being used as an "ethical fig leaf" for neoliberal restructuring.<sup>97</sup> At the same time, the provincial government's restructuring of the construction sector has strained its historical corporatist relationship with trade unions, potentially creating new openings for labour-community coalition building.

Theorizing labour-community organizing of CBAs in terms of the right to the city offers two further lines of critical evaluation. Within a reform-oriented conceptualization of the right to the city, we can identify strategies and conditions that would support the successful negotiation and implementation of comprehensive CBAs. Strategically, labour-community coalitions should not think of a CBA as a technocratic, top-down policy instrument that can be somehow instituted through a bureaucratic "back door," or lobbying strategy. A social-democratic government might be more responsive to this type of lobbying strategy and willing to overstep the normal dispatching system of trade unions to unilaterally impose equitable hiring practices (as noted in the case of the Vancouver Island Highway Project). But a lesson that can be learned from past experiences trying to institute employment equity in Ontario and Canada is that these policies (and the political parties that champion them) are vulnerable to backlash, revocation, or failed implementation when not supported by a robust and ongoing social movement that can educate workers on the meaning and importance of employment equity and keep political pressure on the government to ensure proper implementation and enforcement.<sup>98</sup> Labour-community coalitions that approach CBAs through an insider strategy would also miss the potential of CBA organizing to contribute to community unionism, or what Bill Fletcher and Fernando Gapasin prescribe in terms of social justice unionism.<sup>99</sup> The lasting political impacts of CBA struggles,

97. I draw on Gavin Fridell's critique of public institutions using fair trade coffee as an "ethical fig leaf" to mask their support of a neoliberal agenda. Fridell, "The Fair Trade Network in Historical Perspective," *Canadian Journal of Development Studies / Revue Canadienne D'études Du Développement* 25, 3 (2004): 424, doi:10.1080/02255189.2004.9668986.

98. See also Carol Agócs, ed., *Employment Equity in Canada: The Legacy of the Abella Report* (Toronto: University of Toronto Press, 2014); Bakan & Kobayashi, "Affirmative Action"; Rosemary A. McGowan & Eddy S. Ng, "Employment Equity in Canada: Making Sense of Employee Discourses of Misunderstanding, Resistance, and Support," *Canadian Public Administration* 59, 2 (2016): 310–329, doi:10.1111/capa.12171.

99. Bill Fletcher & Fernando Gapasin, *Solidarity Divided: The Crisis in Organized Labor and a New Path toward Social Justice* (Berkeley: University of California Press, 2009).

beyond results for any particular project, are the new organizational relationships and ideological transformations that coalition activity facilitates. Building up political bargaining power to win comprehensive CBAs requires that significant resources be directed toward grassroots organizing – both to organize support for unions within marginalized communities and to organize support for equity within unions. Building community power, and deepening a concern for social justice within the building and construction trade unions, could strengthen efforts under way to scale up CBAs from a project-to-project basis into city-wide and province-wide policies and legislation that would make community benefits mandatory for all public contracts.<sup>100</sup>

Understanding CBAs (and employment equity more generally) within a radical conceptualization of the right to the city, reveals the limitations of these types of agreements in resolving trades-offs or contradictions associated with capitalist urbanization (e.g., gentrification from transit-oriented development). The goal must not only be to ensure a fairer or equitable distribution of economic benefits or negative impacts associated with urban development, but more fundamentally to control the very purpose of urban development, directing it toward meeting social needs rather than capital accumulation. Despite the inherent contradictions identified above stemming from the production of urban space through capitalist social relations – or perhaps *because* these contradictions cannot at the present moment be avoided – I do not see building a revolutionary right-to-the-city movement as necessarily distinct from, or in opposition to, reform-oriented labour-community organizing around CBAs, or related policies. Building on the organizing that is currently taking place around CBAs and transforming it into a revolutionary right-to-the-city movement would require organizers, and coalitions like the Toronto Community Benefits Network, to be honest about the political limitations of CBAs, and publicly commit to a radical critique of urban planning and development. Labour-community coalitions must amass sufficient bargaining power in CBA negotiations—gained through building a broad-based coalition, and grassroots organizing within unions and neighbourhoods—such that they can advance their demands without having to bargain away their rights to publicly criticize the government and to be honest about the potentially destructive or uneven impacts of a project.

100. In California, organizing for CBAs has helped deepen the relationship between unions and community groups, which has moved organizing beyond project-by-project CBAs and toward winning city-wide ordinances that mandate targeted hiring policies for public works agencies. Herrera et al., *Exploring Targeted Hire*.